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**Introduced by Senator Maldonado**

February 18, 2010

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An act to amend Section 1502.3 of the Health and Safety Code, relating to community care facilities.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1159, as introduced, Maldonado. Community care facilities.

Under existing law the State Department of Social Services licenses and regulates community care facilities, including transitional shelter care facilities, as defined.

This bill would make nonsubstantive, technical changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1502.3 of the Health and Safety Code is  
2 amended to read:  
3 1502.3. (a) For purposes of this chapter, a ~~“community~~  
4 ~~community care facility,” to facility, as defined by Section 1502,~~  
5 includes a transitional shelter care facility. ~~A~~  
6 (b) For purposes of this chapter, a “transitional shelter care  
7 facility” means a short-term residential care program that meets  
8 all of the following requirements:  
9 (a)  
10 (1) It is owned by the county, and operated by the county or by  
11 a private nonprofit organization under contract to the county.  
12 (b)

(2) It is a group care facility that provides for 24-hour nonmedical care of persons, under 18 years of age, who are in need of personal services, supervision, or assistance that is essential for sustaining the activities of daily living, or for the protection of the individual on a short-term basis. As used in this section, “short-term” means up to 90 days from the date of admission.

~~(e)~~

(3) It is for the sole purpose of providing care for children who have been removed from their homes as a result of abuse or neglect, or both; for children who have been adjudged wards of the court; and, for children who are seriously emotionally disturbed children. For purposes of this ~~subdivision~~ *paragraph*, “abuse or neglect” means the same as defined in Section 300 of the Welfare and Institutions Code. For purposes of this ~~subdivision~~ *paragraph*, “wards of the court” means the same as defined in Section 602 of the Welfare and Institutions Code. For purposes of this ~~subdivision~~ *paragraph*, “seriously emotionally disturbed children” means the same as defined in subdivision (a) of Section 5600.3 of the Welfare and Institutions Code.

~~(d)~~

(4) It primarily serves children who have previously been placed in a community care facility and are awaiting placement into a different community care facility that is appropriate to their needs. Children residing in transitional shelter care facilities may include children who are very difficult to place in appropriate community care facilities because of factors ~~which~~ *that* may be present in combination, including: threatening, aggressive, ~~suicide~~ *suicidal*, runaway, or destructive behaviors and behaviors as defined in Section 5600.3 of the Welfare and Institutions Code.

~~(e)~~

(c) Based upon an agreement with the county, the licensee shall agree to accept, for placement into its transitional shelter care program, all children referred by the county.

~~(f)~~

(d) The licensee shall not discharge ~~any~~ *a* child without the permission of the county, except when a child:

(1) Commits an unlawful act and the child must be detained in a juvenile institution.

(2) Requires either of the following:

(A) Physical health care in an acute care hospital.

- 1 (B) Mental health services in an acute psychiatric hospital.
- 2 ~~(g)~~
- 3 (e) The licensee shall provide a program that is designed to be
- 4 flexible enough to care for a highly variable population size and
- 5 shall allow for the special needs of sibling groups.

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